

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

FILED 13 MAR 2010 PRUSTIG-DRP

5 Andrew Moret

6 Plaintiff

7 v. Case No.: 3:18-cv-00096-MK

8

9 Pat Garrett, M. Lloyd, S. Hopson,
10 B. Condon, H. Smith, S. Siemiller,
11 A. Ashenfelter, R. Bose, J. Shulz,
12 Gottfried, A. Branford, T. Millsap,
13 Unknown WCJ Liason, WCJ,
14 Unkown telephone liason OSH,
15 Poornima Ranganathan, Andrea Dailey,
16 Six Unknown OSH employees,

AMENDED COMPLAINT (02)

18 Defendants

19

I.

PARTIES

23 PLAINTIFF:

24 1. Andrew Guy Moret #16301890, 2605 State Street Salem, OR 97310

25 DEFENDANTS, In their official and individual capacity:

26 1. Pat Garrett, Sheriff of Washington County Oregon,

27 2. Washington County Jail (WCJ), 215 S.W. Adams A

27 2. Washington County Jail (WCJ), 215 S.W. Adams Ave. Hillsboro, OR 97123
28 3. M. Lloyd, Deputy WCJ

29 4. S. Hopson, Deputy WCJ
30 5. Brian Condon, Deputy WCJ
31 6. H. Smith, Deputy WCJ
32 7. Shane Siemiller, Sergeant WCJ
33 8. A. Ashenfelter, Sergeant WCJ
34 9. R. Bose, Deputy WCJ
35 10. J. Shulz, MED179 WCJ
36 11. Gottfried, Deputy WCJ
37 12. Angela Branford, FORMER Deputy WCJ
38 13. Terry Millsap, Corporal WCJ
39 14. Unknown WCJ phone Liason
40 15. Unknown OSH phone Liason, Oregon State Hospital (OSH)
41 2600 Center Street NE Salem, OR 97301
42 16. Poornima Ranganathan, Psychiatric Doctor OSH
43 17. Andrea Dailey, Psychiatric Nurse OSH
44 18. [6] Six unknown OSH employees (Counted as different individual
45 Defendants)

46

47 **II.**

48 **CASE INFORMATION**

49

50 At the time this lawsuit was initially filed, Plaintiff was a pretrial detainee being
51 housed in WCJ. He filed this lawsuit for the string of continuous civil rights violations
52 he experienced at the hands of WCJ employees during a two and a half month period
53 between the day after Thanksgiving, Fri. November 27th, 2015, and three days before he

54 was transferred to OSH, February 16th, 2016.

55 Defendants filed a motion to dismiss the complaint due to it being beyond the
56 Statute of limitations, and that action was dismissed by the District Court upon the
57 recommendations of the Magistrate. That judgment was vacated by the U.S. 9th Circuit
58 Court of Appeals because it was not “absolutely clear” that the orig. comp. could not
59 have been cured by amendment concerning the dates of illegal treatment. The case was
60 then remanded for further proceedings consistent with the 9th Circuit's decision, see:
61 *Moret v. Garrett, et al.*, 19-36073 (9th cir. 2020)

62 Since this action was initially filed, another action was filed in the U.S. District
63 Court by Plaintiff alleging malpractice, assault, and unwanted medical procedures by
64 State of Oregon employees titled, *Moret v. Ranaganathan, et al.* 6:18-cv-01105-MK.
65 That case was dismissed by the same court who dismissed *Moret v. Garrett, et al.*, 19-
66 36073 (9th cir. 2020), as mentioned above. However, discovery documents received in
67 *Moret v. Ranganathan et al.*, 6:18-cv-01105-MK, prior to that case's dismissal, adds
68 Defendants and proves additional claims of conspiracy tied to this action. Defendants
69 who were perpetrating continuous damages through conspiracy are now listed in this
70 amended complaint. Per contra, this complaint does not overlap that one. It merely fills
71 in the gap between the two as a continuous campaign of abuse towards Andrew Moret.

72 The correct dates are as follows: Continued civil rights violations towards Moret
73 from November 27th, 2015 until February 19th, 2016. Moret filed the original complaint
74 on January 23rd, 2018. That filing date is 27 days under the [2] two year time limit as set

75 forth by Oregon Statute. This complaint was/is timely.

76 With leave from this court to file such an amended complaint, that complaint is as
77 follows:

78

79 **III.**

80 **STATEMENT OF CLAIM**

81

82 CLAIM 1: On November 27th, 2015; WCJ did not feed Moret any meals.

83 CLAIM 2: On November 28th, 2015; WCJ did not feed Moret any meals.

84 CLAIM 3: On November 29th, 2015; WCJ did not feed Moret any meals.

85 CLAIM 4: On November 30th, 2015; WCJ did not feed Moret any meals.

86 CLAIM 5: On December 1st, 2015; WCJ did not feed Moret any meals.

87 CLAIM 6: On December 2nd, 2015; WCJ did not feed Moret any meals.

88 CLAIM 7: On December 3rd, 2015 WCJ did not feed Moret any meals.

89 CLAIM 8: On December 3rd, 2015 around 8pm, Moret was let out of his cell and he
90 complained to Ofc. Lloyd that he wasn't being fed. Ofc. Lloyd told Moret that he would
91 feed him. Moret began doing exercises in the unit hallway waiting for food. Moret was
92 ordered back to his cell by Ofc. Lloyd. Mr. Moret complied with Ofc. Lloyd's order and
93 secured himself in his cell and laid down. See: Orig. Comp. Attachments F1-F2. Without
94 warning, under the directions of Sgt. Ashenfelter and Sgt. Siemiller; WCJ officers Bose
95 and Condon, ran into Moret's cell and attacked and tasered Moret while he was prone.

96 Then, Ofc. Smith clamped handcuffs on Moret's wrists so tight they drew blood, and; he
97 clamped leg-irons on so tight to Moret's ankles that it inhibited his natural gait forcing
98 him to walk tippy-toes. Listed Officers then force-marched Moret approx. [50] fifty
99 yards on his tippy-toes and put him in a holding cell in booking. Ofc. Hopson
100 accessorized this CLAIM and Medical J. Shulz failed to report Moret's injuries
101 accurately. Approx. [45] forty-five minutes later, officers returned Moret to the same cell
102 they just took him out of. That cell was now missing all Moret's legal discovery
103 documents, including hand written notes.

104 CLAIM 9: On December 4th, 2015 WCJ did not feed Moret any meals.

105 CLAIM 10: On December 5th, 2015 WCJ did not feed Moret any meals.

106 CLAIM 11: On December 6th, 2015 WCJ did not feed Moret any meals.

107 CLAIM 12: On December 7th, 2015 WCJ did not feed Moret any meals.

108 CLAIM 13: On December 8th, 2015 WCJ did not feed Moret any meals.

109 CLAIM 14: On December 9th, 2015 WCJ did not feed Moret any meals.

110 CLAIM 15: On or about December 10th, 2015 WCJ did not feed Moret any meals. Moret
111 flooded his cell to get officers attention to try and make them feed him. Ofc. Gottfried
112 shut Moret's in-cell water completely off.

113 CLAIM 16: On or about December 11th, 2015 WCJ did not feed Moret any meals and;

114 (a) they did not provide him water.

115 CLAIM 17: On or about December 12th, 2015 WCJ did not feed Moret any meals and;

116 (a) they did not provide him water.

117 CLAIM 18: On or about December 13th, 2015 WCJ did not feed Moret any meals and;

118 (a) they did not provide him water.

119 CLAIM 19: On or about December 14th, 2015 WCJ did not feed Moret any meals and;

120 (a) they did not provide him water. Moret drank from his cell toilet.

121 CLAIM 20: On or about December 15th, 2015 WCJ did not feed Moret any meals and;

122 (a) they did not provide him water. Moret was forced to drink from his cell toilet

123 to survive.

124 CLAIM 21: On or about December 16th, 2015 WCJ did not feed Moret any meals and;

125 (a) they did not provide him water. Moret was forced to drink from his cell toilet

126 to survive.

127 CLAIM 22: On or about December 17th, 2015 WCJ did not feed Moret any meals and;

128 (a) they did not provide him water. Moret had no water from his cell toilet.

129 CLAIM 23: On December 18th, 2015 Officer Toney turned Moret's water on, and WCJ

130 staff gave him a sack lunch. Then officers moved Moret to segregation (the hole), for

131 non-punitive reasons. Moret was put in the hole non-punitively from approx. December

132 18th, 2015 until February 19th, 2016. On February 19th, 2016 Moret was transferred to

133 Oregon State Hospital (OSH).

134 CLAIM 24: During Moret's non-punitive segregation, as time-lined in CLAIM 23, he

135 was repeatedly harassed by Officer Angela Branford. Ofc. Branford would put Moret in

136 the hole shower for hours, stare at him naked (voyeur), and make fun of him.

137 CLAIM 25: During Moret's non-punitive segregation, as time-lined in CLAIM 23, he

138 was repeatedly harassed by WCJ officers using the in-cell intercom to make insulting
139 comments such as, "why'd you kill that nigger" and "your Dad is dead".

140 CLAIM 26: During Moret's non-punitive segregation, as time-lined in CLAIM 23, on a
141 day in late January 2016, WCJ staff refused to let Moret throw his sack lunch trash
142 away. Moret flooded his cell accidentally by attempting to flush sack lunch garbage.

143 There was no feces or urine in the flooded water. Moret was pulled out of his cell by

144 Ofc. Terry Millsap and other officers. Moret's cell was stripped bare of all items

145 including his legal paperwork, his blankets, and his mattress. He was then harassed and

146 stripped naked by Ofc. Terry Millsap who unreasonably stared at Moret's naked body

147 (voyeur). WCJ billed Moret 60.00\$ for a mattress replacement fee, but never delivered a

148 mattress to Moret. Pat Garrett Accessorized this CLAIM by refusing to refund that

149 60.00\$ to Moret in a WCJ grievance filed in 2017.

150 CLAIM 27: From the incident detailed in CLAIM 26, Moret was left without blankets, a
151 mattress, or clothing for approx. [7] seven days time. (Strip cell)

152 CLAIM 28: In early February 2016, Ofc. Coffman gave Moret a smock/shift for clothing

153 to wear. Moret was left without blankets and a mattress for approx. [7] seven days time.

154 (Strip cell)

155 CLAIM 29: On or about February 9th, 2016 Moret received a blanket from WCJ staff but
156 did not receive a mattress. (Strip cell)

157 CLAIM 30: On February 16th, 2016 Moret received a mattress from WCJ staff that
158 smelled of urine. By this time, bone spurs had developed on Moret's hips from sleeping

159 on the cement for weeks. Moret was forced to sleep on a mattress that smelled of urine.
160 CLAIM 31: On February 19th, 2016 an Unknown WCJ phone Liason made a false report
161 to an Unknown OSH phone Liason telling them that Moret was extremely agitated, and
162 a threat to himself or others, and that he needed to be extracted from his cell. WCJ staff
163 created a ^{mental} disability in Moret and they discriminated against him because of it. Moret's
164 alleged extraction was video recorded by Sgt. Ashenfelter, and that video is archived in
165 WCJ records; the video shows Moret was peaceful. The Unknown OSH phone Liason
166 conspired with Poornima Ranganathan and Andrea Dailey inciting Moret's immediate
167 assault by Six Unknown OSH employees upon Moret's arrival at OSH. All these
168 Defendants conspired with each other prior to Moret's intake. Defendants' conspiracy
169 prejudiced Moret's intake to OSH.

170

171 IV.

172 DAMAGES AND RELIEF SOUGHT

173

174 DAMAGES: Physical, Permanent hip malfunction, loss of movement, extreme
175 emotional distress, humiliation from staff voyeurism, extreme indifference to human
176 life, starvation, thirsting, assault, continuous torture, due process violations for removing
177 legal documents from Moret's cell pre-trial, pain, suffering, conspiracy against rights,
178 violations under the color of law, and discrimination based on a fabricated disability.

179 RELIEF SOUGHT: 1. 250,000\$ For each CLAIM = 7,750,000\$

180 2. 250,000\$ for each Defendant = 6,000,000\$

181 3. Punitive damages sought = 50,000,000\$

182 **TOTAL = 63,750,000\$**

183

184 **V.**

185 **CONCLUSION**

186

187 WHEREFORE, Plaintiff demands a **jury trial** in the above titled action and
188 humbly begs this gracious court for remedy.

189

190

191 MADE ON 03 / 10 / 2020 By Plaintiff X 

192 Andrew G. Moret 16301890

193 2605 State Street

194 Salem, OR 97310

195

196

197

198

199

A.G. Moret Cert. of service 2020

Moret _____ v _____ Garrett, et al. _____

Case # : __3:18-cv-00096-MK_____

CERTIFICATE OF SERVICE

I, Andrew Guy Moret, do hereby certify that a copy of the

_____Amend. Complaint + Motion for leave_____

was sent via U.S. Mail to all parties listed below on 03 / 10 / 2020.

X AGM

Andrew G. Moret
2605 State Street
Salem, OR 97310

PARTIES:

1. US DIST COURT Portland Div. _____
2. Defense Counsel Elmer Dickens _____
3. NEW STATE DEFENDANTS Oregon Atty. General _____
4. _____
5. _____
6. _____
7. _____

REC'D MAR 20 2010 SUDC-ORP

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Andrew Guy Moret

(b) County of Residence of First Listed Plaintiff Marion
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Pro Se

DEFENDANTS

Pat Garrett, et al.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

Washington

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known) Elmer Dickens, Jr. and
Or. Atty. General

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

<input type="checkbox"/> CONTRACT		<input type="checkbox"/> TORTS		<input type="checkbox"/> FORFEITURE/PENALTY		<input type="checkbox"/> BANKRUPTCY		<input type="checkbox"/> OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Coercive Product Liability <input type="checkbox"/> 196 Franchise		<input type="checkbox"/> PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 60 Other Personal Injury		<input type="checkbox"/> PERSONAL PROPERTY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage <input type="checkbox"/> 395 Product Liability		<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 831 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other		<input type="checkbox"/> 422 Appeal 28 USC 1338 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	
<input type="checkbox"/> REAL PROPERTY		<input type="checkbox"/> CIVIL RIGHTS		<input type="checkbox"/> LABOR		<input type="checkbox"/> SOCIAL SECURITY		<input type="checkbox"/> FEDERAL TAXES/ACTS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		<input type="checkbox"/> 861 HIA (1395E) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DTWC/DWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
<input type="checkbox"/> PRISONER PETITIONS		<input type="checkbox"/> IMMIGRATION		<input type="checkbox"/> FEDERAL TAXES/ACTS		<input type="checkbox"/> BANKRUPTCY		<input type="checkbox"/> OTHER STATUTES	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party		<input type="checkbox"/> 422 Appeal 28 USC 1338 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark		<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Services <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 395 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	

V. ORIGIN

(Place an "X" in One Box Only)

 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 USC 1983

Brief description of cause

Assault, torture - continuous voyeurism + Conspiracy +

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$ 63,750,000 #

CHECK YES only if demanded in complaint
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

Jolie Russo

DOCKET NUMBER 3:18-cv-00096-JR

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFFP _____ JUDGE _____ MAG. JUDGE _____